

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN LESLIE BOYT,

Petitioner,

Case No. 1:07-cv-553

v.

Honorable Gordon J. Quist

CAROL HOWES,

Respondent.

ORDER

This is a habeas corpus action filed by a state prisoner pursuant to 28 U.S.C. § 2254. On July 20 , 2007, this Court granted Petitioner's motion for voluntary dismissal (docket #9). Before the order was entered, Petitioner filed a motion to amend his habeas corpus petition on July 18, 2007. On August 21, 2007, this Court dismissed Petitioner's motion to amend but instructed Petitioner that he could file a motion to re-open his application for habeas corpus relief. Petitioner filed a motion to re-open his petition for habeas corpus relief (docket #11) on October 3, 2007. Since Petitioner has complied with the Court's order, the Court will grant Petitioner's motion to re-open his habeas petition (docket #11).

On October 3, 2007, Petitioner filed a motion to amend his petition for habeas corpus relief (docket #12) because he has now exhausted his state court remedies. The Court will grant Petitioner's motion, provided Petitioner files his habeas petition on the form provided by this Court. *See* Rule 2(d), RULES GOVERNING § 2254 CASES; W.D. Mich. LCivR 5.6(a). To assist Petitioner, the Court directs the Clerk of the Court to send to Petitioner a copy of the form for a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner shall submit an amended

petition by filing his habeas petition on the requisite form within thirty days from the date of entry of this order. Petitioner's case number must appear on the front page of the amended petition. If Petitioner fails to submit an amended petition in proper form within the time allowed, the petition may be dismissed without prejudice by the district judge.

On October 15, 2007, Petitioner filed a motion (docket #15) to submit a 50-55 page brief in support of his petition because his statement of facts and issues are lengthy. Putting aside the question of whether a brief may be premature at this stage of the proceeding, Petitioner has failed to articulate any particular reason such an excessive number of pages is necessary. The court notes Petitioner's original petition (absent exhibits) was considerably less than this. The Court will deny this request. Therefore:

IT IS ORDERED that Petitioner's motion to re-open (docket #11) the above-captioned case is GRANTED. The Clerk of the Court shall re-open Petitioner's case for further proceedings. If Petitioner fails to submit an amended petition in proper form within the time allowed, the petition may be dismissed without prejudice by the district judge.

IT IS FURTHER ORDERED that Petitioner's motion to amend (docket #12) his application for habeas corpus relief is GRANTED. The Clerk of the Court shall send Petitioner a copy of the form for a petition filed pursuant to 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody.

IT IS FURTHER ORDERED that Petitioner's motion (docket #15) to submit a brief in excess of the thirty page limit is DENIED.

Dated: November 9, 2007

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge